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**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF EXAMINERS IN OPTOMETRY**

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TELECONFERENCE

**October 29, 2020
Juneau, Alaska**

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By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62,
Article 6, a scheduled teleconference of the Board of Examiners in Optometry was held on
October 29^t, 2020 at 333 Willoughby Avenue, 9th Floor, Juneau, AK

Agenda Item 1 – Call Meeting to Order

Dr. Delzer called the meeting to order on Thursday, October 29, 2020 for the Board of Examiners in Optometry at 9:03 a.m.

To comply with the voice roll call vote of the administrative procedures act, Dr. Delzer requested a voice roll call asking that each board member state their name.

Board Members present, constituting a quorum of the board, were:

Dr. Erik Christianson, Ketchikan: present
Dr. Pamela Steffes, Sitka: present
Dr. Damien Delzer, Fairbanks: present
Dr. Bradley Cross, Soldotna: present
Mr. Eric Lingle, Juneau: present

In attendance from the Division of Corporations, Business & Professional Licensing, Department of Commerce, Community and Economic Development were:

Ms. Christianne Carrillo, Licensing Examiner: present

Agenda Item 2 – Ethics Report

There were no reports.

Agenda Item 3 – Review/Approve Meeting Agenda

The board reviewed the agenda and made no changes.

On a motion duly made by Mr. Lingle, seconded by Dr. Steffes and approved unanimously, it was:

48 **RESOLVED to approve the October 29, 2020 agenda as presented.**
49

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Bradley Cross	X		

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51 **Agenda Item 4 – Review / Approve Minutes**
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53 There were two changes to the minutes for April 17, 2020 and March 25, 2020.
54

55 **On a motion duly made by Dr. Christianson, seconded by Dr. Cross and approved**
56 **unanimously, it was:**
57

58 **RESOLVED to approve the minutes for April 17, 2020 and March 25, 2020 agenda as**
59 **amended.**
60

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Bradley Cross	X		

61
62 The board moved on to agenda item 10 while they waited for Ms. Jasmin Bautista to enter the teleconference.

63 **Agenda Item 10 – Tabled Applications**
64

65 The Board discussed a tabled application. The applicant holds licensure in Michigan, which does not have
66 injection privileges, so is not equivalent in accordance with AS 08.72.170 and the applicant, therefore, does not
67 qualify for Licensure by Credential in Alaska. To qualify for licensure, this applicant would need to successfully
68 complete the 7-hour injection training course. The board has previously discussed that training mandated by AS
69 08.72.140 must be received after graduation. The board implemented regulatory change that explained, especially
70 for new graduates, advanced training does not count if received during the course of postsecondary education.
71

72 The applicant shall be notified that the application is approved pending successful completion of the 7-hour
73 injection course, of by receiving a passing score on the Injection Skills Examination (ISE).
74

75 Dr. Steffes expressed concern that the application may time-out due to delayed processing. In accordance with
76 Division policy, documents are considered stale after 6 months and applications are considered abandoned if no
77 correspondence has been received from the applicant for one year. Additionally, there is a limited timeframe after
78 passing the national exam in which the applicant qualifies for Licensure by Examination. The board members
79 expressed the desire to move forward with this application and to have staff reach out to the applicant with next
80 steps.
81

82 **On a motion duly made by Dr. Steffes, seconded by Dr. Christianson, and with unanimous consent, it was:**
83 **RESOLVED to APPROVE this license application pending successful completion of the additional**
84 **requirements as required by Statutes and Regulations.**

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Ms. Jasmin Bautista entered the teleconference at 9:14am.

The board went back to item 5.

Agenda Item 5 – Investigative Report

The report presented by Ms. Bautista covered the period of time from October 11, 2019 through October 16, 2020. The board currently only has one investigation open. The status of the case is “Intake,” meaning that the complaint was received.

The Board went into executive session.

Off Record: 9:57 AM

On record: 10:31 AM

Ms. Sher Zinn entered the room at 10:12am.

Ms. Bautista left the teleconference.

Agenda Item 6 – Regulations

Publication Specialist, Ms. Sher Zinn presented regulations from Chapter 48 that were outdated due to statutory changes and that she had cleaned up.

12 AAC 48.015(b) is amended to read:

(b) The Alaska State Optometry Law Examination is an open book examination. **The department will provide electronic examination and study materials to an approved applicant and will notify an applicant when material is available using the electronic mail address provided on the applicant’s completed application. A completed electronic examination must be submitted to the department within 30 days after the department sends the electronic mail message, as shown by the date-stamp on the message. At an applicant’s request, or if an electronic mail address is not provided by the applicant, examination and study materials will be mailed directly to the [EACH] applicant. An examination completed by mail [COMPLETED EXAMINATIONS] must be returned to the department within 30 days after mailing, as shown by the postmark dates.**

Ms. Zinn has reworded the statute to mirror the way the department of law has worded the regulation. In 12 AAC 48.022(c). It is amended to read:

(c) A restricted license issued under (a) or (b) of this section may be renewed under the same conditions that apply to other licenses issued under AS 08.72, **and upon successful completion of the applicable continuing education required under 12 AAC 48.200 and 12 AAC 48.210**

Ms. Zinn recommended the use of “documentation” and “evidence” in 12 AAC 48.900. Ms. Zinn explained that “documentation” means that the applicant must document or attest that they have completed all required continuing education, whereas “evidence” means that the applicant must provide paper certificates to the division as evidence of having completed all required continuing education; for example, if the applicant is flagged for a random CE audit.

12 AAC 48.200(a) is amended to read:

136 (a) In order to be approved by the board, an applicant for renewal of a license must pay the appropriate
137 renewal fee and submit **documentation** [EVIDENCE] of completing continuing education courses, related to the
138 practice of optometry, as specified in (b) or (c) of this section within the two-year renewal period as specified in
139 12 AAC 48.210.

140

141 Ms. Zinn shared a change in 12 AAC 48.330(d) to read:

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143 “**An** [No] optometrist may **only** represent **themselves** [himself or herself] as a specialist if they are
144 currently [IN AN OPTOMETRIC FIELD UNLESS THE OPTOMETRIST IS] certified as a

145 1. [AS A] diplomate of the American Academy of Optometry [IN CONTACTLENSES,
146 BINOCULAR VISION, GERIATRIC CARE, OR LOW VISION]; [OR]

147 2. [AS A] fellow of the College of **Optometrists in** Vision Development [IN VISION TRAINING
148 OR DEVELOPMENTAL VISION]; or

149 **3. fellow of the Neuro-Optometric Rehabilitation Association.**

150

151 The board thought that the wording is exactly as how they intended it to be from their last board meeting.

152

153 Ms. Zinn recommended changing the word fees to fee to because 12 AAC 02.105 does not relate to fees
154 or renewals of a license. 12 AAC 48.900(b)(1) is amended to read:

155 (1) the required **fee** [FEES] established in [12 AAC 02.105 AND] 12 AAC 03.300; and

156

157 12 AAC 48.900(c)(2) is amended to read:

158 (2) the [FEES] required **fee established in** [BY 12 AAC 02.105 AND] 12 AAC 02.300 for the entire
159 period the license has lapsed;

160

161 There was a change in 12 AAC 48.990(b) to repeal it as the statute no longer refers to “physician-patient
162 relationship”. AS 08.72.272(a) was repealed and readopted in 2017.

163

164 *Ms. Zinn left the room.*

165

166 The Board decided not to act on the amendments yet as they would like to amend Regulation 12 AAC 48.920
167 Prescription Requirements to the regulation project. The board reviewed the regulation presented by Dr. Steffes.

168

169 **On a motion duly made by Dr. Steffes, seconded by Dr. Christianson and approved unanimously, it was:**

170 **RESOLVED to approve the changes on 12 AAC 48.920 as amended and to be sent out to the**
171 **regulation specialist for review.**

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173

174 **ROLL CALL VOTE:**

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Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Bradley Cross	X		

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178 **Agenda Item 8 – Correspondence**

179 The Board discussed their correspondence with Dr. Paul Barney and Dr. Andrew Peter to perform

180 advanced therapeutic procedures per 12 AAC 48.040. Both have submitted the required supporting
181 documentation of their credentials and knowledge.

182
183 **On a motion duly made by Dr. Steffes, seconded by Dr. Christianson and approved**
184 **unanimously, it was:**

185 **RESOLVED to grant Dr. Paul Barney authority to perform corneal crosslinking.**
186

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Bradley Cross	X		

187
188 **On a motion duly made by Dr. Christianson, seconded by Dr. Steffes and approved**
189 **unanimously, it was:**

190 **RESOLVED to grant Dr. Andrew Peter authority to perform laser posterior**
191 **capsulotomy, laser peripheral iridotomy, laser trabeculoplasty, and removal of presumed**
192 **benign lesions of the ocular adnexa.**
193

Board Member	Approve	Deny	Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Bradley Cross	X		

194
195 Dr. Steffes suggested to the Chair that the board should vote on future requests in OnBoard. The Board
196 agreed.

197
198 **TASK:** Dr. Steffes will write the letters to Dr. Barney and Dr. Peter and provide a template for future use.
199

200 **Agenda Item 7 – Public Comment**

201
202 No members of the public were present to comment.
203

204 **Agenda Item 9- PDMP Report**

205 The board previewed the PDMP report provided by PDMP staff. Board members remarked on the low rate of
206 compliance for optometrists who hold DEA registrations. Ms. C. Carrillo offered to crosscheck all optometrist
207 licensees for compliance. Dr. Steffes suggested that staff utilize license renewals as a net to bring optometrists
208 into compliance. Division staff is already working to add a PDMP section to the renewal applications to collect
209 more accurate data about PDMP registration and compliance.
210

211 The Board moved on to item 12 while they waited for Ms. Laura Carrillo to enter the teleconference.
212

213 **Agenda Item 12- New Business**

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215 **Website Update on CE & Board Advisories:**
216

217 The Board asked for the staff to change the content on the continuing education section of the website and the

218 application form to match the current regulations for those who are in the military. Military personnel are not
219 exempt from continuing education unless they are in an active combat zone.
220

221
222 **TASK:** The Licensing Examiner will request to change the information on the website and application to match
223 current regulations for military license holders.
224

225
226 *Ms. Laura Carrillo entered the teleconference at 11:04am.*
227

228 *The Board jumped back to PDMP, agenda item 9.*
229

230 **Agenda Item 9- PDMP Report**

231 Ms. Laura Carrillo, Executive Administrator for the Board of Pharmacy filled in for Lisa Sherrell, the
232 PDMP Manager. Ms. L. Carrillo shared with the board that it had been about 2 years since she has spoken
233 with them about the PDMP. She updated the board that the PDMP has sent a letter to all licensees in July
234 2020 about mandatory PDMP registration and use. The PDMP also received 2 grants to cover the costs of
235 the program.
236

237 The compliance rate is very good for optometrists who registered with the PDMP (95%). At least one
238 licensee prescribed 3 days-worth of prescriptions but did not review a prescription. The Chair asked Ms. L.
239 Carrillo for clarification about investigations and PDMP issues. Ms. L. Carrillo explained that data that was
240 not reported to the Board today will most likely show up on a subsequent report.
241

242 Ms. L. Carrillo moved on to recommendations that the PDMP has for the Board of Optometry. The PDMP
243 encourages communication with their licensees that they may not prescribe federally schedule II or II
244 controlled substances until their account in AWARxE has been approved. They also recommend the use
245 of delegates by prescribers, for the board to provide guidance to licensees on prescribing practices,
246 encourage increased compliance with registration and reviewing and lastly, to establish a disciplinary
247 matrix to assist the board in determining appropriate disciplinary action for failure to comply with
248 existing PDMP laws.
249

250 **Agenda Item 12- New Business**

251
252 **Health Mandate to Board Guidance:**
253

254 Dr. Delzer presented an edited Board Advisory for the Board to read. Board Advisory 3 was revised into
255 two paragraphs. The Board asked Ms. C. Carrillo if she could get clarification on whether the letters of approval
256 sent to licensees for expanded therapeutic procedures is within regulation.
257

258 Board Advisory 4 was revised. Board advisory 5 and 6 were removed. There was no discussion, the Board was
259 in agreement. The Board decided to look over Board Advisory 3 through OnBoard.
260

261 **On a motion duly made by Dr. Steffes, seconded by Mr. Lingle and approved unanimously, it was:**
262 **RESOLVED to amend Board Advisory 4 and remove Board Advisory 5 and 6.**
263

264 **TASK:** Licensing Examiner to inquire with supervisor if letter of approval for expanded therapeutic
265 procedures is within regulation and highlight updated the Board Advisory in the Board's website.
266

267 **Agenda Item 11- Old Business**

268 Audit:

269

270

The Board asked for an update from the paralegal about 4 licensee audits from the last renewal period.

271

They anticipated that there was an oversight with at least one licensee who turned in CEs for the wrong

272

year. The board believed there should be no penalties due to the lateness of the prior examiner if the licensee can

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provide the correct number of hours for the designated renewal year. The Chair expressed to Ms. C. Carrillo that

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he and the Board would be willing to help with any future audits.

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Agenda Item 12- New Business

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Health Mandate to Board Guidance:

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The Division has asked boards to create guidance for licensees to reference and utilize once Health Mandate 15

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expires. Dr. Delzer notified the board that the draft guidance was forwarded to Commissioner Crum for review

282

and it is understood that the guidance is a "living document" and subject to change as needed. Guidance

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provided by the board on COVID best practices does not hold the authority of law like the mandate does.

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285

Telemedicine:

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Dr. Christianson notified the board that this board does not currently have telemedicine in statute in place. He

288

shared that he had been working with Daniel Carey who is with the AKOA, to craft language for a potential

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telemedicine statute. The language was borrowed from the Board of Medicine and tailored to fit optometrists.

290

Since the matter requires statutory change, it is outside the scope of the Board and that it must go through the

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legislature. Dr. Christianson planned to report to the board with any developments about telemedicine.

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Agenda Item 13 – Task List

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A task list was created by the board. A Doodle Poll was planned to be created by the licensing examiner

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to send to the board so the Board can schedule 2021 Board of Optometry board meetings.

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Agenda Item 6 - Adjourn

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Dr. Delzer called for the board meeting for 10.29.2020 to be adjourned at 12:30 p.m.

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Respectfully Submitted:

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On behalf of Christianne Carrillo, Licensing Examiner

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Date:

Approved:



Dr. Damien Delzer, OD- Chairperson
Alaska Board of Examiners in Optometry

Date: